

1 G. SCOTT EMBLIDGE, State Bar No. 121613
2 emblidge@meqlaw.com
3 RACHEL J. SATER, State Bar No. 147976
4 sater@meqlaw.com
5 ANDREW E. SWEET, State Bar No. 160870
6 sweet@meqlaw.com
7 MOSCONE, EMBLIDGE, & QUADRA, LLP
8 220 Montgomery Street, Suite 2100
9 San Francisco, California 94104-4238
10 Telephone: (415) 362-3599
11 Facsimile: (415) 362-2006

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 COYNES L. ENNIX JR., M.D.,

17 Plaintiff,

18 vs.

19 ALTA BATES SUMMIT MEDICAL
20 CENTER,

21 Defendant.

22 Case No.: C 07-2486 WHA

23 **PLAINTIFF'S PRETRIAL
24 DISCLOSURES**

25 **Date: TBS**

26 **Time: TBS**

27 **Dept.: Ctrm. 9, 19th Floor**

28 **Judge: Hon. William H. Alsup**

PLAINTIFF'S PRETRIAL DISCLOSURES

Complaint Filed: May 9, 2007

Trial Date: June 2, 2008

1 In accordance with Federal Rule of Civil Procedure 26(a)(3) and this Court's
2 Standing Order regarding Guidelines for Trial and Final Pretrial Conference in Civil Jury
3 Cases, Plaintiff provides the following pretrial disclosures.

4 **A. Names of Witnesses Plaintiff Expects to Present**

- 5 1. Coyness Ennix, M.D. (Address and telephone number were previously
6 provided)
- 7 2. William S. Weintraub, M.D (Address and telephone number were previously
8 provided)
- 9 3. Alex Zapolanski, M.D. (Address and telephone number were previously
10 provided)
- 11 4. Eugene Spiritus, M.D. (Address and telephone number were previously
12 provided)
- 13 5. Margo Leahy, M.D. (Address and telephone number were previously
14 provided)
- 15 6. Jed Greene, C.P.A. (Address and telephone number were previously
16 provided)
- 17 7. Bruce Reitz, M.D. (Address and telephone number were previously
18 provided)
- 19 8. Bruce Lytle, M.D. (Address and telephone number were previously
20 provided)
- 21 9. Hon Lee. M.D. (Address and telephone number were previously provided)
- 22 10. Junaid Khan, M.D. (Address and telephone number were previously
23 provided)
- 24 11. Richard Shaw, PhD. (Address and telephone number were previously
25 provided)
- 26 12. Harry Shulman, 505 Montgomery Street, #800, San Francisco, California,
27 94111, (415) 276- 6500

13. Joanne Jellin, Summit Medical Staff Office, 350 Hawthorne Avenue,
2 Oakland, California 94609, (510) 655-4000
14. Jai Balkisoon, M.D. (Address and telephone number were previously
4 provided)
15. Albertine Omani, M.D. (Address and telephone number were previously
6 provided)
16. Coletta Hargis, M.D. (Address and telephone number were previously
8 provided)
17. Tracy Phillips, M.D. (Address and telephone number were previously
10 provided)
18. Noli Silva, M.D. (Address and telephone number were previously provided)
19. Filberto Burciaga (Address and telephone number in possession of ABSMC)
20. Hazel Taylor (Address and telephone number in possession of ABSMC)
21. Makalita Leao (Address and telephone number in possession of ABSMC)
22. Alice Ashton (Address and telephone number in possession of ABSMC)
23. Donald Aissa (Address and telephone number in possession of ABSMC)
24. Jessie Lozano (Address and telephone number were previously provided)
25. Esther Huitron (Address and telephone number were previously provided)
26. Jean Tenret (Address and telephone number were previously provided)
27. Joe Bermudas, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
29 Oakland, California 94609, (510) 655-4000
28. Dennis Drew, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
30 Oakland, California 94609, (510) 655-4000
29. Rollington Ferguson, M.D., Summit Medical Staff Office, 350 Hawthorne
31 Avenue, Oakland, California 94609, (510) 655-4000
30. Dhun Sethna, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
32 Oakland, California 94609, (510) 655-4000

- 1 31. Gregory Quinn, M.D., Summit Medical Staff Office, 350 Hawthorne
- 2 Avenue, Oakland, California 94609, (510) 655-4000
- 3 32. General Hilliard, M.D., Summit Medical Staff Office, 350 Hawthorne
- 4 Avenue, Oakland, California 94609, (510) 655-4000
- 5 33. Dennis Durzinsky, M.D., Summit Medical Staff Office, 350 Hawthorne
- 6 Avenue, Oakland, California 94609, (510) 655-4000
- 7 34. William Isenberg, M.D., Summit Medical Staff Office, 350 Hawthorne
- 8 Avenue, Oakland, California 94609, (510) 655-4000
- 9 35. Steven Stanten, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 10 Oakland, California 94609, (510) 655-4000
- 11 36. Russell Stanten, M.D., Summit Medical Staff Office, 350 Hawthorne
- 12 Avenue, Oakland, California 94609, (510) 655-4000
- 13 37. Leigh Iverson, M.D., c/o Summit Medical Staff Office, 350 Hawthorne
- 14 Avenue, Oakland, California 94609, (510) 655-4000

15 **B. Names of Witnesses Plaintiff May Call if the Need Arises**

- 16 1. John Rea, M.D. (Address and telephone number were previously provided)
- 17 2. Jon Walkes, M.D. (Address and telephone number were previously provided)
- 18 3. Forrest Junod, M.D., 5301 F Street, #304, Sacramento, CA 95819, (916) 733-
- 19 1777
- 20 4. Ron Dritz, M.D. Alta Bates Medical Staff Office, 245 Ashby Street, Berkeley,
- 21 CA 94705, (510) 204-4444
- 22 5. Maura Daugherty, M.D., Summit Medical Staff Office, 350 Hawthorne
- 23 Avenue, Oakland, California 94609, (510) 655-4000
- 24 6. Emily Reinys, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 25 Oakland, California 94609, (510) 655-4000
- 26 7. Terry Daugherty, M.D., Summit Medical Staff Office, 350 Hawthorne
- 27 Avenue, Oakland, California 94609, (510) 655-4000

- 1 8. Joe Wong, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 2 Oakland, California 94609, (510) 655-4000
- 3 9. Paul Ludmer, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 4 Oakland, California 94609, (510) 655-4000
- 5 10. Gary Woodworth, M.D., Summit Medical Staff Office, 350 Hawthorne
- 6 Avenue, Oakland, California 94609, (510) 655-4000
- 7 11. Bob Gwynn, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 8 Oakland, California 94609, (510) 655-4000
- 9 12. Joan Shields, R.N., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 10 Oakland, California 94609, (510) 655-4000
- 11 13. Carolyn Wong, R.N., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 12 Oakland, California 94609, (510) 655-4000
- 13 14. Margaret C. Tavare, R.N., Summit Medical Staff Office, 350 Hawthorne
- 14 Avenue, Oakland, California 94609, (510) 655-4000
- 15 15. Brian Cain, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 16 Oakland, California 94609, (510) 655-4000
- 17 16. David Alyono, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 18 Oakland, California 94609, (510) 655-4000
- 19 17. John Jones, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 20 Oakland, California 94609, (510) 655-4000
- 21 18. Thomas Gonda, M.D., Summit Medical Staff Office, 350 Hawthorne
- 22 Avenue, Oakland, California 94609, (510) 655-4000
- 23 19. Lamont Paxton, M.D., Summit Medical Staff Office, 350 Hawthorne
- 24 Avenue, Oakland, California 94609, (510) 655-4000
- 25 20. Dat Ly, M.D. Summit Medical Staff Office, 350 Hawthorne Avenue,
- 26 Oakland, California 94609, (510) 655-4000
- 27 21. Barry Horn, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
- 28 Oakland, California 94609, (510) 655-4000

1 22. Neil Smithline, M.D. National Medical Audit, 3 Embarcadero Center, San
2 Francisco, CA, 94111, (415) 393-5650

3 23. Leland Housman, M.D., 10666 N. Torrey Pines Rd., La Jolla, CA 92037,
4 (858) 554-8122

5 24. Robert Breyer, M.D., 2800 N. Sheridan Rd., #209, Chicago, IL, 60652, (773)
6 477-4343

7 25. Debbie Moog, Summit Medical Staff Office, 350 Hawthorne Avenue,
8 Oakland, California 94609, (510) 655-4000

9 26. Marilyn Barkin, Summit Medical Staff Office, 350 Hawthorne Avenue,
10 Oakland, California 94609, (510) 655-4000

11 27. Howard Barkan, PhD. (Address and telephone number were previously
12 provided)

13 28. Cornelius L. Hopper. M.D. (Address and telephone number were previously
14 provided)

15 29. Earnest Bonner, M.D. (Address and telephone number were previously
16 provided)

17 30. Donald Townsend, M.D. (Address and telephone number were previously
18 provided)

19 31. Jack Edelen, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
20 Oakland, CA 94609, (510) 655-4000

21 32. John Girard, M.D., 2999 Regent Street, Suite 701, Berkeley, CA 94705,
22 (510) 845-4200

23 33. Nilas Young, M.D., 2221 Stockton Boulevard, Suite 2112, Sacramento, CA
24 95817, (916) 734-3861

25 34. Duane Stephens, M.D., Summit Medical Staff Office, 350 Hawthorne
26 Avenue, Oakland, CA 94609, (510) 655-4000

27 35. Dan Hill, M.D., 2450 Ashby Avenue, Suite 2785, Berkeley, CA

28

1 36. Jim Lovin, Summit Medical Staff Office, 350 Hawthorne Avenue, Oakland,
2 CA 94609, (510) 655-4000

3 37. John Donovan, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
4 Oakland, CA 94609, (510) 655-4000

5 38. Lisa Bailey, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
6 Oakland, CA 94609, (510) 655-4000

7 39. Bruce Moorstein, M.D., Summit Medical Staff Office, 350 Hawthorne
8 Avenue, Oakland, CA 94609, (510) 655-4000

9 40. Donato Stinghen, M.D., Summit Medical Staff Office, 350 Hawthorne
10 Avenue, Oakland, California 94609, (510) 655-4000

11 41. Robert Kindrechuk, M.D., Summit Medical Staff Office, 350 Hawthorne
12 Avenue, Oakland, California 94609, (510) 655-4000

13 42. Tsuan Li, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
14 Oakland, California 94609, (510) 655-4000

15 43. Stephan Pascal, M.D., Summit Medical Staff Office, 350 Hawthorne Avenue,
16 Oakland, California 94609, (510) 655-4000

17 44. Douglas Patton, M.D., Summit Medical Staff Office, 350 Hawthorne
18 Avenue, Oakland, California 94609, (510) 655-4000

19 45. Cathy Ennix (Address and telephone number were previously provided)

20 46. Walter Tchirkine, 475 14th Street, Suite 1200, Oakland, CA 94612, 510-893-
21 6908.

22 47. Warren Kirk, Summit Medical Staff Office, 350 Hawthorne Avenue,
23 Oakland, CA, 94609, (510) 655-4000.

24 48. Karen Weaver, Summit Medical Staff Office, 350 Hawthorne Avenue,
25 Oakland, California 94609, (510) 655-4000

26 49. Christy Moynihan, National Medical Audit, 3 Embarcadero Center, San
27 Francisco, CA, 94111, (415) 393-5650

28

- 1 50. Jeffrey Breall, M.D., 1800 N.C Capitol Avenue, #E-490, Indianapolis,
- 2 Indiana, 46202, (317) 962-0561.
- 3 51. Fredric Herskowitz, M.D., Summit Medical Staff Office, 350 Hawthorne
- 4 Avenue, Oakland, California 94609, (510) 655-4000
- 5 52. Suzanne McCluney, National Medical Audit, 3 Embarcadero Center, San
- 6 Francisco, CA, 94111, (415) 393-5650

7 **C. The Name of Each Trial Witness Plaintiff Expects to Present by**
8 **Deposition**

9 None, unless Drs. Isenberg, Russell Stanton, Steven Stanton or Iverson are
10 unavailable.

11 **D. Identification of Each Document or Other Exhibit Plaintiff Expects to**
12 **Offer at Trial**

- 13 1. Patient Authorizations, Verifications and Consents to Surgery (E2681-
14 2693)
- 15 2. ABSMC's Racial Composition Data concerning the Summit Medical Staff
16 membership for 2004 through 2006. (Exhibit A to the Declaration of
17 Andrew E. Sweet in Support of Opposition to Defendant's Motion for
18 Summary Judgment)
- 19 3. Summit Medical Staff, Physician Rosters, 2004, 2005, 2006 (D5124-5211)
- 20 4. Table produced by Defendant in discovery, which summarizes peer review
21 actions taken by the MEC since 1992 (Exhibit F to the Declaration of Alex
22 Hernaez in Support of Defendant's Motion for Summary judgment)
- 23 5. Exhibit B to the Declaration of Andrew E. Sweet in Support of Opposition
24 to Defendant's Motion for Summary Judgment
- 25 6. Exhibit C to the Declaration of Andrew E. Sweet in Support of Opposition
26 to Defendant's Motion for Summary Judgment
- 27 7. Exhibit D to the Declaration of Andrew E. Sweet in Support of Opposition
28 to Defendant's Motion for Summary Judgment

- 1 8. Exhibit E to the Declaration of Andrew E. Sweet in Support of Opposition
- 2 to Defendant's Motion for Summary Judgment
- 3 9. Exhibit F to the Declaration of Andrew E. Sweet in Support of Opposition
- 4 to Defendant's Motion for Summary Judgment
- 5 10. February 13, 2005, letter regarding Dr. Ennix from cardiothoracic surgeon
- 6 Junaid Khan to Dr. Isenberg (D4474)
- 7 11. Meeting minutes from the April 12, 2004, SPRC meeting (Exhibit R to the
- 8 Declaration of Andrew E. Sweet in Support of Opposition to Defendant's
- 9 Motion for Summary Judgment)
- 10 12. April 19, 2006, letter from all of the proctors to Dr. Paxton (Exhibit Y to
- 11 the Declaration of Andrew E. Sweet in Support of Opposition to
- 12 Defendant's Motion for Summary Judgment)
- 13 13. 2003-2004 California CABG Outcomes Reporting Program Report
- 14 ("CCORP") (Exhibit 3 to Spiritus Deposition)
- 15 14. January 4, 2005, letter from Drs. Paxton and Isenberg to Neil Smithline,
- 16 National Medical Audit, including exhibits (D2063-D2069)
- 17 15. Memorandum written by Dr. Isenberg regarding his February 24, 2004,
- 18 telephone conversation with Dr. Moorstein (D4155; D5092; Exhibit CC to
- 19 the Declaration of Andrew E. Sweet in Support of Opposition to
- 20 Defendant's Motion for Summary Judgment)
- 21 16. ABSMC Objections and Responses to Plaintiff's Special Interrogatories,
- 22 Set One (Exhibit EE to the Declaration of Andrew E. Sweet in Support of
- 23 Opposition to Defendant's Motion for Summary Judgment)
- 24 17. ABSMC Objections and Responses to Plaintiff's Request for Production of
- 25 Documents, Set Two (Exhibit FF to the Declaration of Andrew E. Sweet in
- 26 Support of Opposition to Defendant's Motion for Summary Judgment)
- 27 18. April 26, 2006 email from Joanne Jellin to Ad Hoc Committee; return
- 28 email from Barry Horn to Joanne Jellin dated April 27, 2006 (D4793)

19. Operative Report dated January 31, 2004 (NMA06747-NMA06748)
20. Operative Report dated January 28, 2004 (NMA06749-NMA06750)
21. Minutes from December 30, 2005 Special Meeting (D4760-D4763)
22. January 6, 2006 letter from William Isenberg to Dr. Ennix (D4768)
23. Minutes from January 10, 2006 MEC Executive Session (D3269-D3271)
24. January 25, 2005 letter from Dr. Ennix to Lamont Paxton (D1960-1966)
25. March 14, 2006 letter from Fred Herskowitz to Dr. Ennix (D4780)
26. March 30, 2006 letter from Lamont Paxton to Hon Lee (D4783-4786)
27. Minutes from March 29, 2005 Medical Staff Officers Meeting (D1984-1993)
28. Minutes from April 12, 2005 Special Meeting (D1994-1995)
29. April 15, 2005 letter from Dr. Ennix to Lamont Paxton (D1996)
30. Minutes from May 10, 2005 Special Meeting (D2013-D2014)
31. May 11, 2005 letter from William Isenberg to Dr. Ennix (D2010-D2012)
32. May 11, 2005 letter from Dr. Ennix to Dr. Isenberg (D2120-D2125)
33. Memorandum written by William Isenberg dated May 13, 2005 (D2000)
34. Memorandum written by William Isenberg dated February 24, 2004 (D4155)
35. May 19, 2005 letter from William Isenberg to Dr. Ennix (D2507-D2508)
36. Memorandum written by Steven Stanten dated May 21, 2005 (D2001)
37. November 29, 2004 letter from John Girard to William Isenberg (D4404)
38. December 2, 2004 letter from Dennis Durzinsky to Steven Stanten (D4389)
39. November 28, 2004 letter from David Estrich to Lamont Paxton (D4382-D4383)
40. November 30, 2004 letter from Denis Drew to William Isenberg (D4384)
41. November 30, 2004 letter from Earl Holloway to William Isenberg (D4386)

1 42. November 27, 2004 letter from Joseph Bermudez to Lamont Paxton
2 (D4387)

3 43. November 26, 2004 letter from General Hilliard to Lamont Paxton (D4349)

4 44. November 26, 2004 letter from John Edelen to Lamont Paxton (D4380)

5 45. Minutes from July 7, 2005 AHC Meeting (D2385-D2388)

6 46. Minutes from July 27, 2005 AHC Meeting (D2389)

7 47. Minutes from May 9, 2006 MEC Executive Session Meeting (D3272-
8 D3273.)

9 48. Minutes from July 11, 2006 MEC Executive Session Meeting, including
10 attachments (D3276, D4799-4800)

11 49. July 11, 2006 letter from Fred Herskowitz to Dr. Ennix (D4832-D4833)

12 50. February 15, 2005 letter from Dr. Ennix to Steven Stanton (D4476-D4482)

13 51. March 3, 2005 letter from Dr. Ennix to Neil Smithline (D4506)

14 52. May 31, 2005 letter from John Etchevers to William Isenberg (D4625-
15 D4629)

16 53. Minute from September 7, 2005 MEC Executive Session (D4692)

17 54. July 3, 2005 email from William Isenberg to Harry Shulman (D4651)

18 55. August 28, 2005 letter from James Lovin to Lamont Paxton (D4678)

19 56. August 1, 2005 Confidential Memorandum from AHC to MEC (E2047-
20 2064)

21 57. Ad Hoc Committee Investigative Report and Recommendation (D2933-
22 2950)

23 58. 2007 Annual Alta Bates Medical Staff Due Invoice (E002477)

24 59. November 15, 2006, letter from Michael Kim, M.D. to Coyness L. Ennix
25 (E002476)

26 60. December 4, 2006, check from Coyness L. Ennix, Jr. M.D., Inc. to Summit
27 Medical Center for Medical Staff dues (E002473)

28

1 61. November 6, 2006, check from Coyness L. Ennix, Jr. M.D., Inc. to Alta
2 Bates Summit Medical Center for Outpatient Services (E002443)

3 62. September 28, 2006, check from Coyness L. Ennix, Jr. M.D., Inc. to Alta
4 Bates Medical Staff for Annual Dues (E002396)

5 63. December 30, 2005, check from Coyness L. Ennix, Jr. M.D., Inc. to Alta
6 Bates Medical Staff for Application Fee (E002158)

7 64. July 13, 2006, letter from Teri Bennett, California Medical Board, to
8 Coyness Ennix, M.D.

9 65. Summit Cardiothoracic Surgery Peer Review Committee Meeting Minutes
10 regarding Dr. Ennix's six CABG cases (attached as Exhibit A to the
11 Declaration of Coyness L. Ennix, Jr. M.D. in Opposition to Defendants'
12 Special Motion to Strike)

13 66. December 18, 2003, letter from John G. Rosenberg, M.D., M.P.H. to
14 Annette Schaieb, M.D. (attached as Exhibit D to the Declaration of
15 Coyness L. Ennix, Jr. M.D. in Opposition to Defendants' Special Motion to
16 Strike)

17 67. Nursing Progress Notes (Exhibit F to the Declaration of Coyness L. Ennix,
18 Jr. M.D. in Opposition to Defendants' Special Motion to Strike)

19 68. Medical Charts for the Ten Cases (E000801-1004, E001430-39, E001668-
20 1821)

21 69. Summit Medical Center Medical Staff Rules and Regulations (Revised
22 2/04) (D0262-D0322)

23 70. April 21, 2004 letter from Isenberg to Ennix (D4209-4210)

24 71. April 19, 2006 letter from proctors to Paxton (E 1663)

25 72. Plaintiff's damages documentation (E001472-1500, E002851-84)

26 73. September 6, 1995 letter to Thomas Forde re Physician A on Defendant's
27 Exhibit A (D5291-5293)

28

- 1 74. May 25, 1994 letter from Thomas Forde re Physician B on Defendant's
- 2 Exhibit A (D5297-5298)
- 3 75. December 11, 2001 MEC minutes re Physician E on Defendant's Exhibit A
- 4 (D5497-5501)
- 5 76. Stipulated Settlement and Order and associated documents re Physician F
- 6 on Defendant's Exhibit A (D5570-5595)
- 7 77. September 10, 2003 MEC minutes re Physician F on Defendant's Exhibit A
- 8 (D5597-5601)
- 9 78. January 13, 2004 "Special Meeting" minutes re Physician G on
- 10 Defendant's Exhibit A (D5637-5638)
- 11 79. February 10, 2004 MEC minutes re Physician G on Defendant's Exhibit A
- 12 (D5639)
- 13 80. February 4, 2004 Board of Trustee minutes re Physician G on Defendant's
- 14 Exhibit A (D5652-5653)
- 15 81. January 20, 2004 notes of Annette Shaieb re Physician G on Defendant's
- 16 Exhibit A (D5655)
- 17 82. June 2001 letter re Physician G on Defendant's Exhibit A (D5676-5677)
- 18 83. July 10, 2003 "Special Meeting" minutes re Physician I on Defendant's
- 19 Exhibit A (D5811)
- 20 84. October 14, 2003 MEC minutes re Physician I on Defendant's Exhibit A
- 21 (D5914)
- 22 85. October 16, 2003 NMA report re Physician I on Defendant's Exhibit A
- 23 (D5929-5934)
- 24 86. June 11, 2002 MEC minutes re Physician J on Defendant's Exhibit A
- 25 (D6012-6013)
- 26 87. May 28, 2002 letter from Isenberg re Physician J on Defendant's Exhibit A
- 27 (D6014-6015)
- 28

- 1 88. May 31, 2002 letter to Isenberg re Physician J on Defendant's Exhibit A
2 (D6016-6017)
- 3 89. May 1, 2002 letter from Isenberg re Physician J on Defendant's Exhibit A
4 (D6018-6020)
- 5 90. May 9, 2002 letter to Dr. Isenberg re Physician J on Defendant's Exhibit A
6 (D6021-6022)
- 7 91. April 17, 2002 "Special Meeting" minutes re Physician J on Defendant's
8 Exhibit A (D6023)
- 9 92. "Confidential memo" re Physician J on Defendant's Exhibit A (D6025-
10 6026)
- 11 93. May 23, 2000 memo re Physician J on Defendant's Exhibit A (D6027-
12 6028)
- 13 94. May 24, 2000 "Special Peer Review Meeting" minutes re Physician J on
14 Defendant's Exhibit A (D6029-6030)
- 15 95. June 28, 2002 letter from Shaieb re Physician K on Defendant's Exhibit A
16 (D6056-6057)
- 17 96. June 12, 2002 "Letter of Reprimand" re Physician K on Defendant's
18 Exhibit A (D6058-6059)
- 19 97. July 9, 2002 MEC minutes re Physician K on Defendant's Exhibit A
20 (D6073)
- 21 98. September 12, 2006 MEC minutes re Physician L on Defendant's Exhibit A
22 (D6085-6087)
- 23 99. November 6, 2006 letter to Andrew Moon re Physician L on Defendant's
24 Exhibit A (D6089-6090)
- 25 100. December 12, 2006 MEC minutes re Physician L on Defendant's Exhibit A
26 (D6091)
- 27 101. May 8, 2007 MEC minutes re Physician M on Defendant's Exhibit A
28 (D6094-6095)

- 1 102. May 8, 2007 MEC minutes re Physician N on Defendant's Exhibit A
- 2 (D6108-6109)
- 3 103. April 23, 1993 memo from William DeWolf re Physician O on Defendant's
- 4 Exhibit A (D6123-6124)
- 5 104. April 22, 1993 letter from DeWolf re Physician O on Defendant's
- 6 Exhibit A (D6125-6126)
- 7 105. April 15, 1993 memo from DeWolf re Physician O on Defendant's
- 8 Exhibit A (D6127-6150)
- 9 106. July 6, 1993 letter to Robert Ingham re Physician O on Defendant's
- 10 Exhibit A (D6153-6169)
- 11 107. September 20, 1993 letter to DeWolf re Physician O on Defendant's
- 12 Exhibit A (D6170-6201)
- 13 108. October 8, 1993 memo to MEC re Physician O on Defendant's Exhibit A
- 14 (D6202-6204)
- 15 109. August 12, 1986 letter from Gordon Lake re Physician P on Defendant's
- 16 Exhibit A (D6217-6218)
- 17 110. February 27, 1992 letter to Herskowitz re Physician P on Defendant's
- 18 Exhibit A (D6219-6220)
- 19 111. October 4, 1991 letter to Herskowitz re Physician P on Defendant's
- 20 Exhibit A (D6221-6223)
- 21 112. July 12, 1993 letter to Marzouk re Physician P on Defendant's Exhibit A
- 22 (D6224)
- 23 113. June 28, 1993 letter to Marzouk re Physician P on Defendant's Exhibit A
- 24 (D6229-6231)
- 25 114. June 4, 1993 AHC report re Physician P on Defendant's Exhibit A (D6232-
- 26 6257)
- 27 115. February 18, 2005 letter from Lozano to Medical Staff President (E1300)
- 28

- 1 116. February 23, 2005 letter from Huitron and Camacho to Medical Staff
- 2 President (E1301 and 1302)
- 3 117. February 18, 2005 letter from Tenret to Medical Staff President (E1303)
- 4 118. February 18, 2005 letter from Sultan to Medical Staff President (E1304)
- 5 119. February 18, 2005 letter from Sequeira to Medical Staff President (E1305)
- 6 120. December 10, 2004 letter from Helena Lendel to Isenberg (E001836)
- 7 121. January 3, 2005 letter from Kirk to Ennix (E001837)
- 8 122. August 22, 2005 letter from Paul J. Islas to whom it may concern
(E001838-39)

10 **D. Identification of Documents or Other Exhibits Plaintiff May Offer at
11 Trial if the Need Arises**

- 12 1. C.V. and Report dated January 25, 2008 and Supplemental Report dated
13 February 13, 2008 of Eugene M. Spiritus, M.D.
- 14 2. C.V. and Report dated January 22, 2008 of Margo M. Leahy. M.D.
- 15 3. C.V. and Report dated January 25, 2008 of Jed Greene, C.P.A.
- 16 4. C.V. and Report (January 2008) and Supplemental Report (February 2008)
17 of William S. Weintraub, M.D.
- 18 5. C.V. and Report dated January 25, 2008 of Alex Zapolanski, M.D.
- 19 6. C.V. and Report dated June 6, 2005 of Howard Barkan, PhD. (Exhibit GG
20 to the Declaration of Andrew E. Sweet in Support of Opposition to
21 Defendant's Motion for Summary Judgment)
- 22 7. C.V. and Report August 30, 2005 of Richard Shaw, M.A., PhD., F.A.C.C.,
23 F.A.C.A (Exhibit HH to the Declaration of Andrew E. Sweet in Support of
24 Opposition to Defendant's Motion for Summary Judgment)
- 25 8. C.V. and Report dated September 2, 2005 of Bruce Reitz, M.D. (D4685-
26 D4691)

9. C.V. and Report September 1, 2005 of J.C. Walkes, M.D. (Exhibit I to the Declaration of Coyness L. Ennix, Jr. M.D. in Opposition to Defendants' Special Motion to Strike)
10. C.V. and Report dated September 7, 2005 of Bruce Lytle, M.D. (Exhibit H to the Declaration of Coyness L. Ennix, Jr. M.D. in Opposition to Defendants' Special Motion to Strike)
11. C.V. and Report dated August 30, 2005 of John E Rea III, M.D. (Exhibit J to the Declaration of Coyness L. Ennix, Jr. M.D. in Opposition to Defendants' Special Motion to Strike)
12. C.V. and Report dated September 2, 2005 of Don Hill, M.D. (Exhibit R to the Declaration of Andrew E. Sweet in Support of Opposition to Defendant's Motion for Summary Judgment)
13. Complaint re: (1) Race Discrimination; (2) violation of the unruh Act; (3) Interference with Right to Practice Profession; and (4) Business & Professions Code §§ 17200, et. seq. in *Omani et al. v. Alta Bates Summit Medical Center*, Alameda County Superior Court Case No. RG06274465 (Exhibit A to Plaintiff's Request for Judicial Notice in Opposition to Defendant's Motion for Summary Judgment)
14. ABSMC's written discovery responses in this case, not otherwise designated above.
15. Correspondence between Dr. Ennix and Dr. Isenberg (E00001-11, E000038-000041, E0000112-000113, E0000142-000148, E0000154-00055, E0000156-00058, E0000159-00062)
16. Correspondence between Dr. Ennix and Warren Kirk (E00026-30).
17. Correspondence from civil rights organizations regarding ABSMC's pattern of targeting African American medical staff members for discipline (E000089-93)

- 1 18. May 10, 2006 letter from Fredric Herskowitz, M.D. to Dr. Ennix (E164-
2 165)
- 3 19. July 11, 2006 letter from Fredric Herskowitz, M.D. to Dr. Ennix (E166-
4 168)
- 5 20. Correspondence from Dr. Ennix to members of the medical community to
6 promote his new practice (E002747-2824, 2828-89)
- 7 21. Documentation relating to business expenses (invoices, checks, payroll)
8 (E002086-2680)
- 9 22. NMA report dated May 3, 2005 (D2070-D2108)
- 10 23. January 4, 2005 letter from Isenberg and Paxton to NMA (D1400-1404)
- 11 24. March 16, 2005 notes by Karen Weaver (D4534)
- 12 25. February 9, 2004 minutes of "Special Meeting" (D1739-1741)
- 13 26. February 9, 2004, draft minutes of Special Meeting (D5277-D5279)
- 14 27. April 16, 2004 minutes of "Special Meeting" (D1742-1744)
- 15 28. April 26, 2004 minutes of "Special Meeting" (D1746-1748)
- 16 29. July 8, 2004 minutes of "Special Meeting" (Pltf's Depo Ex. 1017)
- 17 30. May 10, 2005 minutes of "Special Meeting" (D2517-2518)
- 18 31. December 30, 2005 minutes of "Special Meeting" (D2903-2906)
- 19 32. Medical Staff Officer minutes dated March 29, 2005 (D1984)
- 20 33. Surgery Peer Review Committee minutes, dated November 12, 2001
(D6626)
- 21 34. Surgery Peer Review Committee minutes, dated February 11, 2002
(D6633-6639)
- 22 35. Surgery Peer Review Committee minutes, dated April 12, 2004 (D4195-
23 4199)
- 24 36. Surgery Peer Review Committee minutes, dated May 10, 2004 (D6684)
- 25 37. Surgery Peer Review Committee minutes, dated June 14, 2004 (D4222-
26 4223)

- 1 38. Surgery Peer Review Committee minutes, dated August 9, 2004 (D4256-
2 4261)
- 3 39. Surgery Peer Review Committee minutes, dated October 11, 2004 (D 6720)
- 4 40. Surgery Peer Review Committee minutes, dated December 13, 2004
(D4392-4396)
- 5 41. Surgery Peer Review Committee minutes, dated January 10, 2005 (D 6730,
6 et seq.)
- 7 42. Surgery Peer Review Committee minutes, dated February 14, 2005
(D 6735, et seq.)
- 8 43. Surgery Peer Review Committee minutes, dated March 14, 2005 (D 6739,
9 et seq.)
- 10 44. Surgery Peer Review Committee minutes, dated April 11, 2005 (D 6743, et
11 seq.)
- 12 45. Surgery Peer Review Committee minutes, dated May 9, 2005 (D 6746, et
13 seq.)
- 14 46. Surgery Peer Review Committee minutes, dated July 11, 2005 (D 6757, et
15 seq.)
- 16 47. Surgery Peer Review Committee minutes, dated December 12, 2005
(D 6786, et seq.)
- 17 48. Surgery Peer Review Committee minutes, dated January 9, 2006 (D 6789,
18 et seq.)
- 19 49. Surgery Peer Review Committee minutes, dated July 10, 2006 (D 6820, et
20 seq.)
- 21 50. Cardiothoracic Surgery Peer Review Committee minutes, dated February 3,
22 2003 (D 1787-D1788)
- 23 51. Cardiothoracic Surgery Peer Review Committee minutes, dated April 28,
24 2003 (D1792)
- 25
- 26
- 27
- 28

- 1 52. Cardiothoracic Surgery Peer Review Committee minutes, dated August 11,
- 2 2003 (D4082-4084)
- 3 53. Cardiothoracic Surgery Peer Review Committee minutes, dated May 3,
- 4 2004 (D4230)
- 5 54. Medical Executive Committee minutes, dated April 13, 2004 (D4206)
- 6 55. Medical Executive Committee minutes, dated May 18, 2005 (D2502-2504)
- 7 56. Medical Executive Committee minutes, dated August 15, 2005 (D2928-
- 8 2930)
- 9 57. Medical Executive Committee minutes, dated June 6, 2005 (D4630)
- 10 58. Medical Executive Committee minutes, dated September 7, 2005 (D4692)
- 11 59. Medical Executive Committee minutes, dated January 10, 2006 (D3269-
- 12 3270)
- 13 60. Ad Hoc Committee minutes, dated August 13, 2004 (D1860)
- 14 61. Ad Hoc Committee minutes, dated August 30, 2004 (D1861-D1862)
- 15 62. Ad Hoc Committee minutes, dated September 20, 2004 (D1864-D1866)
- 16 63. Ad Hoc Committee minutes, dated September 27, 2004 (D1881-D1885)
- 17 64. Ad Hoc Committee minutes, including exhibits, dated October 4, 2004
- 18 (D1886-1890)
- 19 65. Ad Hoc Committee minutes, dated October 11, 2004 (D1895-D1897)
- 20 66. Ad Hoc Committee minutes, including exhibits, dated October 25, 2004
- 21 (D1898-1899)
- 22 67. Ad Hoc Committee minutes, dated October 27, 2004 (D1910-D1917)
- 23 68. Ad Hoc Committee minutes, dated October 28, 2004 (D1918-D1923)
- 24 69. Ad Hoc Committee minutes, dated May 4, 2005 (D3274-D3275)
- 25 70. Ad Hoc Committee minutes, dated May 16, 2005 (D2002-D2009)
- 26 71. Ad Hoc Committee minutes, dated May 18, 2005 (D2502-D2504)
- 27 72. Ad Hoc Committee minutes, dated May 19, 2005 (D2194-2197)
- 28 73. Ad Hoc Committee minutes, dated May 27, 2005 (D2197-D2201)

- 1 74. Ad Hoc Committee minutes, dated May 27, 2005 (D2197-2201)
- 2 75. Ad Hoc Committee minutes, dated June 13, 2005
- 3 76. Transcript of testimony presented by Dr. Ennix at June 13, 2005 AHC
- 4 Meeting (D2260-D2287)
- 5 77. Ad Hoc Committee minutes, dated June 20, 2005 (D2259)
- 6 78. Transcript of testimony presented by Dr. Ennix at June 20, 2005 AHC
- 7 Meeting (D2289-D2331)
- 8 79. Ad Hoc Committee minutes, dated June 24, 2005 (D2332)
- 9 80. Transcript of testimony presented by Dr. Ennix at June 24, 2005 AHC
- 10 Meeting (D2333-D2380)
- 11 81. Ad Hoc Committee minutes, dated June 27, 2005 (D2381)
- 12 82. Ad Hoc Committee draft minutes, dated June 29, 2005 AHC Meeting.
- 13 (D2382-D2384)
- 14 83. Ad Hoc Committee draft minutes, dated July 7, 2005 (D2385-2388)
- 15 84. Ad Hoc Committee minutes, dated July 7, 2005 (D7190-D7193)
- 16 85. Ad Hoc Committee minutes, dated July 27, 2005 (D2389)
- 17 86. Cardiothoracic Surgery PIC agenda, dated January 24, 2004 (D6267)
- 18 87. Cardiothoracic Surgery PIC agenda, dated August 23, 2004 (D4329)
- 19 88. April 5, 2005 letter from Dutt to Isenberg (D3758) and autopsy report
- 20 (E001406-10)
- 21 89. Declaration of Leigh Iverson in Support of Special Motion to Strike
- 22 90. Declaration of Karen Weaver in Support of Special Motion to Strike
- 23 91. Declaration of Joanne Jellin in Support of Special Motion to Strike
- 24 92. Declaration of Russell Stanten in Support of Special Motion to Strike
- 25 93. Declaration of Steven Stanten in Support of Special Motion to Strike
- 26 94. Declaration of Lamont Paxton in Support of Special Motion to Strike
- 27 95. Declaration of William Isenberg in Support of Special Motion to Strike
- 28 96. Declaration of John Gentile in Support of Special Motion to Strike

- 1 97. Medical Record re Patient 1124908, dated October 11, 2004 (D1913-1914)
- 2 98. Chart showing conversion rates (D3601)
- 3 99. Notes of Steven Stanton, dated February 11, 2004 (D4154)
- 4 100. Notes of Steven Stanton, undated (D4973-4975)
- 5 101. December 3, 2004 letter from Durzinsky to Steven Stanton (D4389)
- 6 102. May 11, 2005 letter from Tavare to Isenberg, et al. (D3058)
- 7 103. May 10, 200[5] letter from Wong to Isenberg, et al. (D3059)
- 8 104. Undated letter from Joan Shields to Dr. Isenberg, et al. (Ennix Depo. Ex.
9 20)
- 10 105. December 30, 2005 letter from Isenberg to Ennix (D2901-2902)
- 11 106. January 3, 2006 letter from Steven Stanton to Isenberg (D2890-2896)
- 12 107. January 6, 2006 letter from Isenberg to Ennix (D2884)
- 13 108. May 10, 2006 letter from Herskowitz to Ennix (D2877)
- 14 109. July 11, 2006 letter from Herskowitz to Ennix (D2871-2872)
- 15 110. Notes from February 21, 2007 meeting (D3894)
- 16 111. April 15, 2004 letter from Rosenberg to Isenberg (D1854-1855)
- 17 112. May 5, 2004 memo to Board of Trustees (D4214)
- 18 113. February 22, 2005 email from Weaver to McCluney (D4501-4503)
- 19 114. Surgery Peer Review "Quality Indicators" (D7180)
- 20 115. NMA Focused Review of Medical Records of Coyness L. Ennix, Jr.
21 (NMA03711-NMA03749)
- 22 116. NMA worksheets regarding case ABS-001 prepared by Leland Housman.
23 (NMA02500-NMA02528)
- 24 117. NMA worksheets regarding case ABS-002 prepared by Leland Housman.
25 (NMA02530-NMA02556)
- 26 118. NMA worksheets regarding case ABS-003 prepared by Leland Housman.
27 (NMA02557-NMA02585)
- 28

- 1 119. NMA worksheets regarding case ABS-004 prepared by Leland Housman.
2 (NMA02586-NMA02614)
- 3 120. NMA worksheets regarding case ABS-005 prepared by Leland Housman.
4 (NMA02615-NMA02635)
- 5 121. NMA draft report (Ennix_04-05-05) (NMA00569-NMA00599)
- 6 122. NMA draft report (3/29 version) (NMA03988-NMA04014)
- 7 123. NMA draft report (Ennix_3-26-05 Byer call) (NMA00466-NMA00491)
- 8 124. NMA draft report (Ennix_3-22-05) (NMA00437-NMA00458)
- 9 125. NMA draft report (Ennix_3-19-05_Call Notes) (NMA00380-NMA00400)
- 10 126. NMA draft report (Ennix_3-7-05) (NMA00273-NMA00290)
- 11 127. NMA draft report (ABS_02-17-05) (NMA00157-NMA00170)
- 12 128. Email from Neil Smithline to Leland Housman dated March 1, 2005
13 (Exhibit 1119 from Housman's deposition)
- 14 129. Email from Neil Smithline to Suzanne McCluney dated February 21, 2005
15 (NMA01219)
- 16 130. Emails between Neil Smithline and Harry Shulman dated March 9, 2005
17 and March 16, 2005 (NMA01220-01222)
- 18 131. Emails between Leland Housman and Neil Smithline (NMA01519-01524)
- 19 132. Email from Neil Smithline to Leland Housman dated February 18, 2005
20 (NMA01974)
- 21 133. Emails between Neil Smithline and Leland Housman dated February 22,
22 2005 (NMA01992-NMA01993)
- 23 134. Email from Neil Smithline to Leland Housman dated March 7, 2005
24 (NMA02053)
- 25 135. Email from Neil Smithline to Leland Housman dated March 7, 2005
26 (NMA02079-NMA02082)
- 27 136. Email from Leland Housman to Neil Smithline dated March 7, 2005
28 (NMA02092)

- 1 137. Emails between Neil Smithline and Christy Moynihan dated March 7, 2005
- 2 and March 10, 2005 (NMA 02153-NMA02155)
- 3 138. Email from Neil Smithline to Leland Housman dated March 16, 2005
- 4 (NMA02200--NMA02082)
- 5 139. Email from Suzanne McCluney to Neil Smithline dated March 16, 2005
- 6 (NMA02201)
- 7 140. Email from Neil Smithline to Leland Housman dated March 28, 2005
- 8 (NMA02222)
- 9 141. Email from Neil Smithline to Leland Housman dated April 4, 2005
- 10 (NMA02230)
- 11 142. Emails between Leland Housman and Suzanne McCluney dated May 10,
- 12 2005 (NMA00917-NMA00920)
- 13 143. Emails between Leland Housman and Neil Smithline dated April11, 2005-
- 14 April 13, 2005 (NMA00563-NMA00566)
- 15 144. Email from Neil Smithline to Leland Housman dated March 30, 2005
- 16 (NMA00535)
- 17 145. Email from Neil Smithline to Leland Housman dated March 24, 2005
- 18 (NMA00431)
- 19 146. Email from Neil Smithline to Leland Housman dated March 4, 2005
- 20 (NMA00258)
- 21 147. Email between Suzanne McCluney and Leland Housman dated February 2,
- 22 2005 and February 3, 2005, 2005 (NMA00108-NMA00111)
- 23 148. Email from Neil Smithline to Leland Housman dated February 21, 2005
- 24 (NMA00146)
- 25 149. Email between Suzanne McCluney and Leland Housman dated February 8,
- 26 2005 and February 3, 2005, 2005 (NMA00123-NMA00125, NMA00118)
- 27 150. Email from Robert Breyer to Suzanne McCluney dated February 10, 2005
- 28 (NMA00127)

- 1 151. Email from Suzanne McCluney to Jennifer Herman dated February 22,
- 2 2005 (NMA00150)
- 3 152. Email from Neil Smithline to Leland Housman dated February 22, 2005
- 4 (NMA00175-NMA00176)
- 5 153. Emails between Neil Smithline and Jeffrey Breall dated March 3, 2005 and
- 6 March 4, 2005 (NMA00249-NMA00252)
- 7 154. Email from Neil Smithline to Suzanne McCluney dated March 8, 2005
- 8 (NMA00265)
- 9 155. Email from Neil Smithline to Leland Housman dated March 24, 2005
- 10 (NMA00431)
- 11 156. Emails between Neil Smithline and Jeffrey Breall dated March 24, 2005
- 12 and March 4, 2005 (NMA00459-NMA00460)
- 13 157. Emails between Neil Smithline and Jeffrey Breall dated March 3, 2005 and
- 14 March 4, 2005 (NMA00529-NMA00530)
- 15 158. Emails between Neil Smithline and Robert Breyer dated April 14, 2005 and
- 16 April 19, 2005 (NMA00567, April 19, 2005 email is not Bates stamped)
- 17 159. Email from Harry Shulman to William Isenberg dated May 2, 2005
- 18 (NMA00836)
- 19 160. NMA supplemental worksheet (NMA00259-NMA00260)
- 20 161. NMA supplemental worksheet (NMA002529)
- 21 162. NMA worksheets (Smithline Depo Exhibit 1300)
- 22 163. NMA worksheets (Smithline Depo Exhibit 1336)
- 23 164. NMA worksheets (Smithline Depo Exhibit 1337)
- 24 165. NMA worksheets (Smithline Depo Exhibit 1338)
- 25 166. NMA worksheets (Smithline Depo Exhibit 1339)
- 26 167. NMA worksheets (Smithline Depo Exhibit 1340)
- 27 168. NMA worksheets (Smithline Depo Exhibit 1341)
- 28 169. NMA worksheets (Smithline Depo Exhibit 1342)

- 1 170. NMA worksheets (Smithline Depo Exhibit 1343)
- 2 171. NMA worksheets (Smithline Depo Exhibit 1300)
- 3 172. NMA worksheets (Smithline Depo Exhibit 1300)
- 4 173. NMA worksheets (Smithline Depo Exhibit 1300)
- 5 174. NMA draft report (Smithline Depo Exhibit 1335)
- 6 175. Smithline notes and accompanying email (NMA 00015 and 00177)
- 7 176. NMA contract (D 1388-1399)
- 8 177. January 17, 2005 email from Smithline to Isenberg (NMA00077)
- 9 178. January 18, 2005 fax from Summit to NMA (NMA05957-5959)
- 10 179. January 28, 2005 email from Weaver to McCluney (NMA00106)
- 11 180. Chart re blood-product usage (NMA00107)
- 12 181. February 1, 2005 email from McCluney to Housman (NMA00108)
- 13 182. February 21 and 22, 2005 emails between Smithline and McCluney
(NMA00150)
- 14 183. February 24, 2005 email from McCluney to Moynihan (NMA00190)
- 15 184. March 24, 2005 email from Smithline to Housman (NMA001315)
- 16 185. March 28, 2005 notes and chart (NMA006146)
- 17 186. February 23, 2005 email string between McCluney and Weaver
(NMA00180-182)
- 18 187. March 14, 2005 emails from McCluney to Smithline (NMA00362)
- 19 188. March 16, 2005 email from Weaver to McCluney (NMA00374)
- 20 189. NMA/Smithline notes (NMA00013-14)
- 21 190. March 4, 2005 email from Smithline to McCluney (NMA00262)
- 22 191. March 16, 2005 email string between Smithline and Moynihan
(NMA02191-2192)
- 23 192. NMA billing records (D 1418, 1421-1422, 1427, 1433, 1439-1440)
- 24 193. May 2, 2005 email from Smithline to McCluney (NMA00836)
- 25 194. September 9, 2005 letter from Isenberg to Ennix (Ennix Depo. Ex. 11)

- 1 195. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 2 4/07) (D0664-D0731)
- 3 196. Medical Staff of Summit Medical Center Bylaws, February 2003 (D0001-
- 4 D0083)
- 5 197. Medical Staff of Summit Medical Center Bylaws, June 2005 (D0084-
- 6 D0172)
- 7 198. Medical Staff of Summit Medical Center Bylaws, June 2006 (D0173-
- 8 D0261)
- 9 199. January 28, 2008 letter from Matt Vandall to G. Scott Emblidge, including
- 10 attached Minutes from July 7, 2005 AHC Meeting.
- 11 200. National Medical Audit Detail for Services (D1410)
- 12 201. November 19, 2003 letter from Jennifer Herman to Anette Schaeib (D1408)
- 13 202. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 14 4/05) (D0800-D0864)
- 15 203. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 16 11/05) (D0323--D0387)
- 17 204. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 18 1/06) (D0388-D0457)
- 19 205. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 20 3/06) (D0458-D0527)
- 21 206. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 22 7/06) (D0528-D0595)
- 23 207. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 24 11/06) (D0596-D0663)
- 25 208. Summit Medical Center Medical Staff Rules and Regulations (Revised
- 26 1/07) (D0865-D0932)
- 27 209. Two versions of Summit Medical Center Medical Staff Rules and
- 28 Regulations (Revised 4/07) (D0664-D0799)

- 1 210. August 24, 2004 letter from Lamont Paxton to Dr. Ennix (D1863)
- 2 211. September 9, 2004 letter from Dr. Ennix to Lamont Paxton (D1873-
- 3 D1877)
- 4 212. May 31, 2005 letter from Lamont Paxton to Dr. Ennix (D2255-D2258)
- 5 213. October 20, 2005 letter from Dr. Ennix to Drs. Iverson, R. Stanten and
- 6 Kahn (G0150-G0152)
- 7 214. Report of John D. Caldwell dated February 8, 2008 (Exhibit 2103 to the
- 8 Caldwell deposition)
- 9 215. Draft report of John D. Caldwell (Exhibit 2105 to the Caldwell deposition)
- 10 216. Draft report of John D. Caldwell (Exhibit 2106 to the Caldwell deposition)
- 11 217. Billing for Professional Services of Huron Consulting January 21, 2008
- 12 through February 11, 2008.
- 13 218. Financial records (E001472-E00150)
- 14 219. July 15, 2004 letter from Dr. Ennix to William Isenberg (G1082)
- 15 220. February 18, 2005 letter from patient to the Defendant (L0017)
- 16 221. Chronology (D5026-D5028)
- 17 222. Typed notes from September 22, 2005 "CE/MEC subcommittee (D5083-
- 18 D5084)
- 19 223. Summit Medical Center Operative Mortality Statistics (D5018)
- 20 224. Memorandum written by William Isenberg dated May 18, 2005 (D5090)
- 21 225. Memorandum written by William Isenberg dated May 19, 2005 (D5091)
- 22 226. Society for Thoracic Surgeons Web Risk Calculator Descriptor (D5093-
- 23 D5101)
- 24 227. Letter from Forrest Junod to Gretchen Kunitz, and attached report (D1848-
- 25 D1852)
- 26 228. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 27 2005 (D2153-D2154)

- 1 229. Cardiothoracic Surgery Peer Review Committee minutes, dated March 25,
- 2 2004, 2005 (D1774-D1775)
- 3 230. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 4 2005 (D2175-D2176)
- 5 231. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 6 2005 (D2169-D2170)
- 7 232. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 8 2005 (D2177-D2178)
- 9 233. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 10 2005 (D2182-D2183)
- 11 234. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
- 12 2005 (D2187-D2188)
- 13 235. Cardiothoracic Surgery Peer Review Committee minutes, dated June 16,
- 14 2005 (D2580-D2581)
- 15 236. Operative Report dated May 6, 2005 (D3617-D3619)
- 16 237. Memorandum written by William Isenberg dated May 18, 2005 (D4892,
- 17 D5090)
- 18 238. Memorandum written by William Isenberg dated May 19, 2005 (D4893,
- 19 D5091)
- 20 239. August 21, 2005 letter from Don Sheff to William Isenberg (D3021)
- 21 240. August 22, 2005 letter from Kim Johnson to William Isenberg (D4666-
- 22 D4667)
- 23 241. August 22, 2005 letter from Richard Masterson to William Isenberg
- 24 (D3018)
- 25 242. August 29, 2005 letter from Sharen Stevenson to William Isenberg (D3061)
- 26 243. August 28, 2005 letter from John Bylard to William Isenberg (D3015)
- 27 244. August 29, 2005 letter from Rose LaMarte to William Isenberg (D4679)

1 245. August 29, 2005 letter from Sharon Robertson to William Isenberg
2 (D3014)

3 246. August 29, 2005 letter from Thomas Quinn to William Isenberg (D3013)

4 247. August 29, 2005 letter from Susan Housen to William Isenberg (D3022)

5 248. August 31, 2005 letter from Anthony Provenccio to William Isenberg
6 (D3054)

7 249. August 31, 2005 Facsimile from Duane Stephens to William Isenberg
8 (D3039)

9 250. ABSMC – Department of Cardiothoracic Surgery Return to Surgery chart
10 (D7115)

11 251. Summit Medical Center STS Risk (Predicted v. Observed) 2003 through
12 September 2003 chart (D7064)

13 252. Summit Medical Center STS Risk (Predicted v. Observed) 2000 through
14 September 2003 chart (D7069)

15 253. ABSMC – Cardiothoracic Surgery Performance Improvement council/Peer
16 Review Meeting, dated August 23, 2004 (D4329-D4351)

17 254. Email from Robert Bryer to Suzanne McLuney dated February 10, 2005
18 with handwriting (NMA05654)

19 255. ABSMC Chart – Physician Identifications (D7243)

20 256. ABSMC Medical Staff Information dated December 13, 2007

21 257. FAX from Matt Vandall dated January 23, 2008, attaching draft minutes
22 from a February 9, 2004 Special Meeting

23 258. Cardiothoracic Surgery Peer Review Committee minutes, dated August 16,
24 2004 (D1827-D1828)

25 259. Cardiothoracic Surgery Peer Review Committee minutes, dated May 13,
26 2005 (D2167-D2168)

27 260. Memorandum dated October 14, 2004 from Marilyn Barkin to Medical
28 Staff Services (D1900)

- 1 261. Defendant's eight-page chart regarding MIV surgeries by other physicians
- 2 (D7182-7189)
- 3 262. Diversity Committee Survey (E183-189)
- 4 263. Medical records from similar cases involving other physicians (E1873-
- 5 1933)
- 6 264. October 11, 2005 letter from Isenberg to Ennix (E1955-1961)
- 7 265. October 25, 2005 letter from Isenberg to Ennix (E1962-1963)
- 8 266. Amended and Restated Partnership Agreement (E1964-1992)
- 9 267. March 31, 2005 letter from Ennix to Smithline with attachment (E1999-
- 10 2000)
- 11 268. March 28, 2005 letter from Ennix to Smithline (E2005-2007)
- 12 269. March 21, 2005 letter from Ennix to Smithline (E2008-2009)
- 13 270. April 15, 2005 letter from Ennix to Paxton (E2010)
- 14 271. August 29, 2005 letter from Ennix to Isenberg (E2011-2013)
- 15 272. October 20, 2005 letter from Ennix to East Bay Cardiac Surgery Center
- 16 (E2014-2016)
- 17 273. March 14, 2006 letter from Herskowitz to Ennix (E2017)
- 18 274. April 5, 2005 letter from Ennix to Isenberg (E2031-2034)
- 19 275. June 8, 2005 letter from Ennix to Stanton and Kirk (E2038-2044)
- 20 276. August 1, 2005 letter from Isenberg to Ennix (E2045-2046)
- 21 277. November 1, 2005 letter from Ennix to Isenberg (E2066-2067)
- 22 278. November 3, 2005 letter from Isenberg to Ennix (E2068)
- 23 279. January 3, 2006 letter from Ennix to Isenberg (E2071-2074)
- 24 280. January 18, 2006 letter from Ennix to Kirk (E2076-2077)
- 25 281. February 1, 2006 letter from Kirk to Ennix (E2078)
- 26 282. August 24, 2005 letter from Isenberg to Ennix (E1219-1220)
- 27 283. Medical Loan Out and Coverage Agreement, entered into as of September
- 28 1, 2001, signed by Warren Kirk, Leigh Iverson, Plaintiff, Junaid Khan and

1 Russell Stanton, effective from September 1, 2001, for one year (Version
2 with Dr. Iverson listed as the Medical Director)

3 284. Medical Loan Out and Coverage Agreement, entered into as of September
4 1, 2001, signed by Warren Kirk, Leigh Iverson, Plaintiff, Junaid Khan and
5 Russell Stanton, effective from September 1, 2001, for one year (Version
6 with Plaintiff listed as the Medical Director)

7 285. Alta Bates Summit Medical Center Extension Agreement, extending the
8 Medical Loan Out and Coverage Agreement, entered into as of September
9 1, 2001, until September 30, 2003

10 286. Alta Bates Summit Medical Center Extension Agreement, extending the
11 Medical Loan Out and Coverage Agreement, entered into as of September
12 1, 2001, until October 31, 2003

13 287. Alta Bates Summit Medical Center Extension Agreement, extending the
14 Medical Loan Out and Coverage Agreement, entered into as of September
15 1, 2001, until December 31, 2003

16 288. Alta Bates Summit Medical Center Extension Agreement, extending the
17 Medical Loan Out and Coverage Agreement, entered into as of September
18 1, 2001, until January 31, 2004

19 289. Alta Bates Summit Medical Center Extension Agreement, extending the
20 Medical Loan Out and Coverage Agreement, entered into as of September
21 1, 2001, until March 31, 2004

22 290. Alta Bates Summit Medical Center Extension Agreement, extending the
23 Medical Loan Out and Coverage Agreement, entered into as of September
24 1, 2001, until April 30, 2004

25 291. Alta Bates Summit Medical Center Extension Agreement, extending the
26 Medical Loan Out and Coverage Agreement, entered into as of September
27 1, 2001, until May 31, 2004

1 292. Alta Bates Summit Medical Center Extension Agreement, extending the
2 Medical Loan Out and Coverage Agreement, entered into as of September
3 1, 2001, until July 31, 2004

4 293. Alta Bates Summit Medical Center Extension Agreement, extending the
5 Medical Loan Out and Coverage Agreement, entered into as of September
6 1, 2001, until September 30, 2004

7 294. Alta Bates Summit Medical Center Extension Agreement, extending the
8 Medical Loan Out and Coverage Agreement, entered into as of September
9 1, 2001, until December 31, 2004

10 295. Alta Bates Summit Medical Center Extension Agreement, extending the
11 Medical Loan Out and Coverage Agreement, entered into as of September
12 1, 2001, until March 31, 2005

13 296. Alta Bates Summit Medical Center Extension Agreement, extending the
14 Medical Loan Out and Coverage Agreement, entered into as of September
15 1, 2001, until June 30, 2005

16 297. Alta Bates Summit Medical Center Extension Agreement, extending the
17 Medical Loan Out and Coverage Agreement, entered into as of September
18 1, 2001, until August 31, 2005

19 298. Alta Bates Summit Medical Center Extension Agreement, extending the
20 Medical Loan Out and Coverage Agreement, entered into as of September
21 1, 2001, until October 31, 2005

22 299. Dr. Ennix's Racial Composition Data concerning the Summit Medical
23 membership for 2004 (E002904-E002935)

24 300. February 18, 2005, letter from Mary Wilkerson to Medical Staff President,
25 Summit Campus (E001306)

26 301. February 18, 2005 letter from Mr. And Mrs. Smith to Medical Staff
27 President, Summit Campus (E001307)

28

1 302. August 28, 2005 memorandum from Lorraine McKelvey to Isenberg
2 (E001846)
3 303. Medical Executive Committee minutes, dated January 27, 2003 (D5754-
4 D5755)

5 Dated: May 5, 2008

Respectfully Submitted,

6 7 MOSCONE, EMBLIDGE & QUADRA, LLP

9 By: _____ /s/

10 G. Scott Emblidge

11 Rachel J. Sater

Andrew E. Sweet

12 Attorneys for Coyness L. Ennix Jr., M.D.